

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAURICE PERKINS,

Plaintiff,

-VS-

LANDGON NEAL,

Defendant.

No. 07 C 841

Chicago, Illinois

April 13, 2007

9:30 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - MOTION
BEFORE THE HONORABLE WAYNE R. ANDERSEN

APPEARANCES:

For the Plaintiff:

MR. MAURICE PERKINS, pro se
4836 South Michigan Avenue
Chicago, Illinois 60615

For the Defendant:

JENNER & BLOCK LLC
One IBM Plaza
330 North Wabash Avenue
Chicago, Illinois 60611
BY: MR. JEFFREY D. COLMAN
MS. MELISSA S. WILLS

Court Reporter:

ROSEMARY SCARPELLI
219 South Dearborn Street
Room 1412
Chicago, Illinois 60604
(312) 435-5815

1 THE CLERK: Case 7 C 841, Perkins versus Neal.

2 THE COURT: Hi, Mr. Perkins.

3 MS. WILLS: Good morning, your Honor.

4 MR. PERKINS: Good morning, your Honor.

5 MS. WILLS: Melissa Wills and Jeff Colman here for
6 defendant Langdon Neal.

7 THE COURT: Hi.

8 MR. COLMAN: Good morning, your Honor.

9 THE COURT: Hi, Mr. Perkins.

10 MR. PERKINS: Good morning, your Honor.

11 THE COURT: The -- last night I read all the
12 papers. Actually my law clerk Katie Cook and I were on the
13 phone at -- I think we hung up at 10:10 last night, a number
14 easy to remember, because I feel that we ought to know the
15 status of this now so that going into this election that is
16 in four days -- or three days, you know, legally where you
17 stand. So I am prepared to hear from Mr. Perkins. You think
18 you can summarize your position in five or ten minutes?

19 MR. PERKINS: Yes, sir.

20 THE COURT: I mean I have read everything, but if
21 there is anything you would like to add, you are welcome to
22 do that. And then if defense counsel would like to respond,
23 you are welcome to respond.

24 And what I would like to address at this point in
25 time really is the preliminary injunction motion. And I know

1 that that may relate in a number of fashions to the motion to
2 dismiss, but the urgency is brought upon by the election. So
3 I feel that whether I grant or deny a preliminary injunction,
4 the Court of Appeals has jurisdiction over that if somebody
5 wants to appeal that. So why don't we just address that for
6 now, if you wouldn't mind. Okay?

7 MS. WILLS: Yes, your Honor.

8 MR. PERKINS: Yes, sir.

9 THE COURT: So would you like to make a
10 presentation?

11 MR. PERKINS: Yes, sir, your Honor.

12 THE COURT: So if you would like to cede the
13 lectern to him and have a seat, I would -- I certainly won't
14 be offended.

15 Thank you.

16 MR. PERKINS: First of all, your Honor, we -- once
17 we filed our motion, we attempted to serve Jenner & Block.
18 We went to their offices and they called a gentleman by the
19 name of Mitch, and he declined to accept our motion.

20 THE COURT: Well, here they are.

21 MR. PERKINS: Right. So we did go to the Board of
22 Election Commissioners and served Mr. Scanlon who is the
23 chief legal officer there. So, you know, I am just -- I
24 point this out because I believe this to be kind of
25 disingenuous to say that we didn't serve them when we made

1 every attempt.

2 THE COURT: That -- on that subject, as far as I am
3 concerned, all that is waived.

4 MR. PERKINS: Okay.

5 THE COURT: They filed papers.

6 MR. PERKINS: Okay.

7 THE COURT: They are here in court. As you know, I
8 called them on the phone yesterday -- called him on the phone
9 to make sure he was engaged and appeared on.

10 MR. PERKINS: Now, in terms of our preliminary
11 injunction --

12 THE COURT: Excuse me. They are on notice.

13 MR. PERKINS: That is the issue at hand, our motion
14 for preliminary injunction.

15 THE COURT: Right.

16 MR. PERKINS: What I say to the Court in terms of
17 our preliminary injunction, we have information here that
18 Langdon Neal has funded and given donations to over 50 of the
19 elected officials here in the City of Chicago. Dorothy
20 Tillman, being a person that has received funds from Langdon
21 Neal and a person that we no longer desire to lead our
22 community, has been given funds by the Chairman of the Board
23 of Election Commission.

24 May I --

25 THE COURT: Sure.

1 MR. PERKINS: -- submit this to your Honor?

2 MR. COLMAN: We haven't seen that.

3 THE COURT: Helen.

4 MR. COLMAN: This is --

5 THE COURT: Wait just a minute. Helen, could you
6 just make a copy of these and then we will each have one. If
7 you could make two, that would be great.

8 THE CLERK: Yes.

9 THE COURT: Thanks.

10 MR. PERKINS: And I also think it was disingenuous
11 for them to come and mislead the Court to the point that we
12 had filed more papers than the rule permitted because we had
13 not done that, your Honor. And in my haste yesterday I
14 actually gave you, you know, my certified copy to prove that
15 my initial copy was only 11 pages.

16 THE COURT: There is no -- you know, I read it all.
17 As far as I am concerned, they have had a full chance to
18 respond to everything. You have not filed too much with the
19 Court, so that is not an issue you need to worry about.

20 MR. PERKINS: Okay. But that is the issue that
21 brings up their motion for dismissal.

22 THE COURT: That -- which -- which I say let's not
23 even address that today.

24 MR. PERKINS: Okay.

25 THE COURT: As far as I am concerned, you might not

1 -- you might not have standing to bring this lawsuit. Maybe
2 I don't have power to hear it. But even more urgent than
3 that determination is whether or not your desire to
4 decapitate the Board of Elections at this point by -- by not
5 enjoining Mr. Neal to not function, that is the issue on the
6 table.

7 MR. PERKINS: That is the issue.

8 THE COURT: Right. So let's address that issue.

9 MR. PERKINS: And -- okay, okay.

10 THE COURT: But procedurally I am not --

11 MR. PERKINS: Okay.

12 THE COURT: The plus of having experienced
13 attorneys from your point of view, the defendant having
14 experienced attorneys, is they are -- they are not going to
15 be able to complain about any procedural problems.

16 MR. PERKINS: Yes, sir.

17 THE COURT: They are -- they are people who track
18 very fast. They have had a lot of experience in these areas.
19 As far as I am concerned, everything that you have filed, I
20 have read as well, as everything they have filed. And we are
21 here so that I can determine whether or not I should issue a
22 preliminary injunction.

23 If you could give one to defense and one to Katie,
24 that would be great.

25 MR. PERKINS: Your Honor --

1 THE COURT: Don't worry about any of the procedural
2 things. Here we are.

3 MR. PERKINS: I won't worry about that, but, you
4 know, as I stood in your courtroom yesterday, you know, I see
5 the Shakman case being heard while we were being -- waiting.

6 THE COURT: Right.

7 MR. PERKINS: What we are seeing is this, your
8 Honor: Mr. Langdon Neal in his position ethically and
9 legally should not be donating to candidates that are going
10 to be running for office in races that he is overseeing.

11 THE COURT: What -- now, what evidence -- what law
12 do you have that says he can't do it? I mean ethically I
13 think you have a point. All right? And certainly that is
14 something the circuit judges ought to consider when they
15 appoint people to the Board of Election Commissioners.

16 MR. PERKINS: Right.

17 THE COURT: But legally speaking the research that
18 I have made in the last 22 hours does not unveil any
19 statutory disability that those contributions would make. It
20 might be a good idea, but I am not -- I don't -- you haven't
21 given me any authority which says he can't do that.

22 MR. PERKINS: All I say to you is it gives the
23 signs of a criminal conspiracy when one in such a sensitive
24 governmental position can be given over \$10 million in no bid
25 contracts. Is the public to think that that serves our

1 interests, that one would be given \$10 million in no bid
2 contracts to serve over our elections, and then those very
3 election he donates to other candidates that he is overseeing
4 the race?

5 I marched downtown with County Commissioner Tony
6 Peraica when we saw that things were going awry down here. I
7 was up there when Todd Stoger's legal defense team had
8 Sequoia who is getting \$26 million as one of their
9 representatives. I saw how they handle those ballots coming
10 in all times of night. The Governor's race came in the same
11 night. It took four days for Cook County Commissioner Tony
12 Periaica to have that race taken.

13 And we have put an integrated group of people
14 together that were of the opinion that Commissioner Peraica
15 would not wholesale layoff African Americans, do the things
16 that we have seen. And by virtue of that election and other
17 elections people are being harmed.

18 I am of the impression that based on the corruption
19 and things that go on in City Hall that the African American
20 community has lost a billion dollars a year for the last
21 decade in terms of Hired Truck, in terms of minority fraud
22 contracting. All of this power stems from elections which
23 Chairman Langdon Neal officiates. You go to the five poorest
24 black wards on the south side and west side, you can see the
25 scourge of not having the resources and funds to deal with

1 our young people. All this stems from the electoral process,
2 you know, and we need him to be stopped from doing this.

3 Now, I have one more document I would like to pass
4 out, and this really culminates the reason that we are in
5 this Court seeking justice, because we are the victims. We
6 are not approaching him or victimizing him. He and his
7 family for the last three generations have been the overseers
8 of African Americans like myself.

9 THE COURT: "He" meaning Neal?

10 MR. PERKINS: I mean Neal -- Earl Neal, Judge Neal.
11 He was a judge when most blacks weren't graduating from high
12 school. So they have basically been the overseers of this
13 plantation politics. And it is crucial that we stop him.

14 And he is donating to candidates also. He could
15 not serve on the State Board of Election Commissioners being
16 a registered lobbyist. He can come into our community and
17 tell me that the City has to have my property and eminent
18 domain and just take what I have in life. And I think that
19 he needs to be stopped. I think we have shown enough -- just
20 the mere fact that he is donating to candidates in races he
21 is calling, Judge.

22 THE COURT: Have you -- to what extent have you
23 called any of these arguments to the attention of Judge Evans
24 and his colleagues who actually are responsible for the
25 appointment?

1 MR. PERKINS: Well, it is all the old regular
2 Democratic Party. That is why I am in federal court. That
3 is not the system by which our grievances and law can be
4 abated. They are all one big, happy family. You know that
5 as well as I do. And we are going nowhere with them because
6 it is not justice, Judge. It is just not over there. And
7 that is why we appeal to the Courts of the United States for
8 justice, because when you said I had an uphill battle
9 yesterday, you know, well, I am a black man and I certainly
10 understand what uphill is. But Langdon Neal, he is hurting
11 us. You can stop him from hurting us. There has been enough
12 snafus in the last two or three elections as evidence that
13 something needs to happen.

14 Sequoia, \$26 million. The County Board is saying
15 they don't want to pay this. This is wrong. Langdon Neal is
16 saying, pay them, pay them. You know, I mean this is not
17 right. You know, we can't free ourselves from this tyranny
18 if you won't restore the integrity to the vote. And he needs
19 to be moved.

20 And I just got these last -- two for them and one
21 for you. And that is my presentation.

22 THE COURT: And then let's hear what defense
23 counsel has to say. Thank you.

24 Okay. So whose button are you wearing?

25 MR. PERKINS: This is Miss Pat Dowell, a very nice,

1 humane, dignified lady. We are trying to get Dorothy Tillman
2 to go. She is racial, divisive, obnoxious. You know, we
3 need a chance out there. And Langdon Neal is donating to
4 Dorothy Tillman, and that is not right.

5 THE COURT: Thank you very much. You have a -- you
6 have a point I would say. All right.

7 Would you state your name for the record.

8 MS. WILLS: Yes, your Honor. I am Melissa Wills.

9 THE COURT: Hi, Miss Wills. Thanks for coming on
10 such short notice.

11 MS. WILLS: You are welcome.

12 THE COURT: Thanks for bringing Mr. Colman.

13 MS. WILLS: Your Honor, respectfully, we stand --

14 THE COURT: Mr. Perkins, rather, if you would like
15 to sit up closer where you can hear what she has to say, you
16 are welcome to.

17 Is that your purse?

18 MS. WILLS: Yes, that is.

19 THE COURT: As long as you switched tables, you
20 might want to move that over.

21 MS. WILLS: Sure.

22 THE COURT: Thanks.

23 MS. WILLS: Your Honor, as I said, we respectfully
24 stand on our motions that we have filed.

25 Quickly to respond to the additional information

1 that we just received from Mr. Perkins regarding the -- we
2 don't know who Alfred Neal is or Delores Neal who appear on
3 the sheet that he gave us. And Mr. Earl Neal was Lang's
4 father and he actually passed away about 18 months ago. And
5 the only two contributions that come from Mr. Lang Neal
6 himself were from 1994 and 1995. And Mr. Neal was not
7 appointed to the Commissioner position until 2006.

8 And so basically, as I said, we stand on our
9 motions. We do not believe that this plaintiff has standing
10 of our case or controversy to bring his claim and, therefore,
11 we do not believe there is any claim he can state for relief
12 upon it. So there is no reasonably likelihood of success on
13 the merits. And without that threshold or prerequisite, a
14 preliminary injunction is not appropriate in this case.

15 THE COURT: The -- with respect to the -- what
16 Mr. Perkins cites, as you know, conflicts of interest,
17 contributions to campaigns when you are overseeing the
18 election machinery and so on, what is your thought on that?

19 MS. WILLS: As we said, your Honor, the
20 contributions that he gave were in 1994 and 1995 and that is
21 not when he was in a position as Commissioner Chairman. And
22 so as a Commissioner there is no allegations or facts showing
23 that there is a contribution to --

24 THE COURT: Do you know who the other commissioners
25 are now?

1 MS. WILLS: Your Honor, I am not aware of the other
2 two names of the commissioners.

3 THE COURT: Do you know, Mr. Perkins? We have
4 three commissioners, right?

5 MR. PERKINS: I believe there is a Mr. Cowen and --
6 I am not certain, your Honor.

7 THE COURT: Okay. All right. So -- so your
8 position is -- at least as far as the preliminary injunction
9 is concerned, your position is that Mr. Perkins has not
10 provided any evidence of something that would create a legal
11 disability. I gather that you as I, would, if we were
12 counseling the circuit judges, might well say to them, look,
13 if you accept this sort of appointment, you are going to have
14 to create some distance between yourself and those whose
15 elections you are overseeing because you have got to be --
16 you should be -- there should be some degree of impartiality
17 in this.

18 Do you agree with that?

19 MS. WILLS: Your Honor, I agree that there should
20 be some degree of impartiality. And we -- I just don't
21 believe that there are any facts alleging that Mr. Neal has
22 any unconstitutional conflict of interest that would
23 disqualify him from the position of Chairman of the election
24 commissioners.

25 THE COURT: Okay. Here is what I am going to do:

1 Thank you.

2 MS. WILLS: Thank you.

3 THE COURT: I know this is very brief. And I read
4 everything last night. And actually before reading it last
5 night I reflected on what Mr. Perkins had to say. And as you
6 may know, Mr. Perkins, I have been -- I have squandered much
7 of my life involved in elections. And as you know, there is
8 -- one of the frustrations is is there is no consolation
9 prize for the loser.

10 Another frustration, having grown up in this
11 County, is that I see the Illinois election law scheme,
12 which, for example, creates electoral boards to -- as you
13 know, to oversee before the Court gets various challenges to
14 petitions and so on. Electoral boards are extremely
15 interested. You know, usually they are the chief elected
16 officials who are the buddies or the enemies of the people
17 who are running in their towns or whatever.

18 So insofar -- and I, like everybody who is
19 overinterested in election returns, felt a unique frustration
20 during the last couple elections --

21 MR. PERKINS: Yes.

22 THE COURT: -- as returns were not properly
23 counted. I don't think we can mix up City and the County
24 because it is two separate election administrations. But I
25 -- you know, I feel a lot of empathy with the criticisms that

1 you have of that. So I just want you to know --

2 MR. PERKINS: Yes.

3 THE COURT: -- that whatever I decide to do with
4 respect to this preliminary injunction and whatever happens
5 with respect to the case, I haven't been in court before I
6 was a judge arguing the sorts of things you are arguing now,
7 but I have many times before I became a judge and took an
8 oath to be nonpartisanly political been in a position where I
9 was frustrated with a number of the things that you are
10 frustrated with.

11 Is there anything you want to add?

12 MR. PERKINS: Yes, sir, your Honor. Your Honor,
13 just it is just simply not frustration. It is the fact that
14 -- you know, even in the Plotkin case that they -- they
15 misapplied Plotkin. Plotkin was after George Ryan's
16 election. See, that is a misapplication of Plotkin because
17 we have a certain urgency here. And you have seen over and
18 over and over what is happening at that Election Board. I
19 mean you have an opportunity now to protect the public
20 interest and do something about what is going on. It is just
21 not my frustrations like an old woman may have.

22 THE COURT: Well, let's -- we will strike that.

23 MR. PERKINS: It is that -- it is that our -- it is
24 that our community is being robbed. And Langdon Neal is a
25 part of that. Hired Trucks, 100 million. Duff. 100

1 million. Empowerment Zone, 100 million. Nobody is talking
2 about restoring to the inner cities these monies that have
3 been stolen through the corruption process at City Hall.
4 See, we are bleeding out there. And that is why I am here
5 making an emotional plea that you stop this because you see
6 what is going on.

7 THE COURT: Okay. Here is what I am going to do:
8 I will rule -- I will issue a ruling at 10:30. If you want
9 to come back, you are welcome to. If you want me to e-mail a
10 ruling to you, you are welcome to do that. I want to reflect
11 on what you have said, talk with Katie about what we talked
12 about last night so that you can get a ruling as -- as
13 expeditiously as possible.

14 If either side or both sides feel they need a --
15 would like to get a transcript of this, when I walk out of
16 the room, you could talk to Rosemary about how to get a
17 transcript.

18 My plan is to -- I have two more -- the two matters
19 this morning. I have a daughter who was brought into an
20 emergency labor situation last night, so I intend to go hold
21 her hand. Her husband is on another continent now. And
22 everyone else in the family is dropping over with fatigue.
23 So I will be out of the building. But my intention is before
24 I leave to sign the order. And I am hoping to leave at about
25 10:30.

1 So I am going to -- I am going to talk to Katie for
2 a few minutes now about some things that we talked about
3 writing up and -- and review of these particular documents.

4 I am not going to dismiss the lawsuit. I am not
5 addressing that issue now. So no matter what I do, we will
6 set a status time for the lawsuit and then determine whether
7 or not the plaintiff has -- you know, meets all the
8 requirements to carry on with the lawsuit and, if so, then
9 maybe the grievances that he has cited can be addressed at
10 that point in time.

11 But right now I am focused on the request that
12 Mr. Neal be ordered not to participate in the administration
13 of Tuesday's election, so I will -- you will get a ruling in
14 an hour.

15 Mr. Colman?

16 MR. COLMAN: Could I just say three things very
17 briefly?

18 THE COURT: Sure.

19 MR. COLMAN: First I hope very much that your
20 daughter is going to be okay. That is the most important.

21 THE COURT: Well, I think she will.

22 Aren't you glad you are not a girl?

23 MR. COLMAN: We won't go there. I take the Fifth.

24 THE COURT: Well, by that I meant at child birth
25 time.

1 MR. COLMAN: Second, I just didn't want the record
2 to be silent. I have known Langdon Neal for 25 years, first
3 meeting him and his dad as my opposing counsel when I was
4 representing Danny Davis, Dick Newhouse, Carol Moseley-Braun,
5 Jesse Jackson in the ward rerdistricting case of 1981.

6 THE COURT: In which case?

7 MR. COLMAN: The ward redistricting case of 1981.

8 Lang Neal is a wonderful, honorable man, and I want
9 that stated for the record. His father was a hero to me.

10 Thirdly, your Honor, just administratively, I think
11 just in the automatic course of things there was a referral
12 for discovery purposes first to Judge Schenkier who recused
13 himself. Now it is before Judge Valdez. Could you, as part
14 of what you do today, stay that referral so that we don't
15 have to be in two different courtrooms?

16 THE COURT: Well, yes. Here is what we are going
17 to do, regardless of what I do on this preliminary
18 injunction: Let's set a status for -- how about May 3rd? By
19 then whatever happens in the election will be in and we could
20 determine what issues ought to be addressed at that point in
21 time. So I am going to -- I am going to take -- I am sorry
22 to be as abrupt as I have, but, obviously, I was not aware of
23 the other things that were going to happen until 6:30 this
24 morning when I got a call from the hospital. But,
25 fortunately, my reading on this case, other than what was

1 handed in this morning, was completed before I went to bed
2 last night.

3 And of the names he listed, I would say an unsung
4 hero of the whole field is Newhouse.

5 MR. PERKINS: Richard Newhouse, he was one of the
6 first, your Honor.

7 THE COURT: Exactly. So I will be right back on
8 the Soo Line case. All right.

9 MR. PERKINS: Yes, sir.

10 (Which were all the proceedings heard.)

11 CERTIFICATE

12 I certify that the foregoing is a correct transcript
13 from the record of proceedings in the above-entitled matter.

14
15 Rosemary Scarpelli
16 Rosemary Scarpelli
Official Court Reporter

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Date 4/18/07